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Act, §§ 1, 49, 58, liquids, mixtures, and preparations which will produce intoxication, as defined in the act, are "ardent spirits" condemned by the act whether or not they contain alcohol.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Ardent Spirits. For other cases, see 8 Va.-W. Va. Enc. Dig. 1.]

Error to Circuit Court, Mathews County.

Julian T. Christian was convicted of violating the prohibition act, and brings error. Affirmed.

C. S. Smith, Jr., of Gloucester, for plaintiff in error.

John R. Saunders, Atty. Gen., J. D. Hank, Jr., Asst. Atty. Gen., and Leon M. Bazile, Second Asst. Atty. Gen., for the Commonwealth.

BOWEN *v.* COMMONWEALTH.

March 16, 1922.

[111 S. E. 131.]

1. Jury (§ 82 (2)*)—Misdemeanant May Waive Irregularities in Organization and Constitution of Jury.—Though the guaranty (Const. 1902, § 8) of the right to a jury trial applies to misdemeanors as well as felonies, one tried for a misdemeanor may waive all irregularities in the organization and constitution of the jury.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 20.]

2. Criminal Law (§ 895*)—Accused May Waive Anything Except Jurisdiction.—Accused May Waive any matter not relating to the court's jurisdiction.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 65.]

3. Jury (§ 29 (5)*)—Irregularity in Trial of Misdemeanant before Jury of Seven Waived by Failure to Object; "Impaneled."—Under Code 1919, § 4895, declaring that no irregularity in impaneling jurors shall be cause for setting aside a verdict unless objection was made before the jury was sworn, any irregularity in trying a misdemeanor case before a jury of seven, instead of five, as required by section 4927, was waived, where defendant made no objection and challenged none of the jurors; a jury being "impaneled" when ready to try the case (quoting Words and Phrases, First Series, Impanel).

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 20.]

Error to Corporation Court of Buena Vista.

W. R. Bowen was convicted of petit larceny, and he brings error. Affirmed.

John Dabney Smith, of Buena Vista, for plaintiff in error.

John R. Saunders, Atty. Gen., J. D. Hank, Jr., Asst. Atty. Gen., and Leon M. Bazile, Second Asst. Atty. Gen., for the Commonwealth.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.